

# WIGDOR LLP

ATTORNEYS AND COUNSELORS AT LAW

85 FIFTH AVENUE  
NEW YORK, NY 10003  
TEL 212.257.6800  
FAX 212.257.6845  
WWW.WIGDORLAW.COM

**Bryan L. Arbeit**  
[barbeit@wigdorlaw.com](mailto:barbeit@wigdorlaw.com)

February 4, 2020

## **VIA ECF**

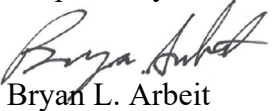
The Honorable Kevin N. Fox  
United States Magistrate Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: David v. The Weinstein Co. LLC, et al., No. 18-cv-05414 (RA)(KNF)

Dear Judge Fox:

We represent Plaintiff Wedil David and write in advance of the telephonic court conference scheduled for today at 5:00 p.m. On Friday, January 31, 2020, we sent the attached letter to counsel for Harvey Weinstein concerning Defendant Weinstein's failure to respond to Plaintiff's interrogatories and document requests and asked to confer with counsel prior to today's telephone conference. See Ex. A. Regrettably, we did not receive any response to our letter. As noted in the letter, Defendant Weinstein is currently under threat of sanctions in the Canosa action before Judge Engelmayer for similar discovery abuses. See Ex. B. It appears that Defendant Weinstein is refusing to cooperate in discovery in this action, even after his multiple attempts to stay this action were denied. Plaintiff accordingly requests that Your Honor order Defendant Weinstein to fully respond to Plaintiff's discovery requests without asserting objections, "all of which have been waived by his failure to respond to the plaintiff's discovery demands timely." Jobe O. v. Pataki, No. 03 Civ. 8331 (RCC)(KNF), 2007 WL 844707, at \*5 (S.D.N.Y. Mar. 15, 2007).

Respectfully submitted,

  
Bryan L. Arbeit

cc: All Counsel of Record (via ECF)